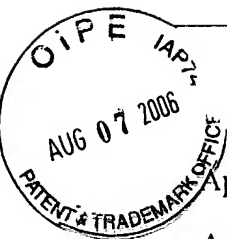


Jpw

Please Direct All Correspondence to Customer Number **20995****AMENDMENT / RESPONSE TRANSMITTAL**

Applicant : Yong Hua Zhu, et al.
App. No : 10/614,650
Filed : July 7, 2003
For : DEVICE FOR CLOSING TISSUE
OPENINGS
Examiner : Melanie J. Hand
Art Unit : 3761

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

August 3, 2006

(Date)

Glen L. Nuttall, Reg. No. 46,188

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Response to Office Communication in 2 pages.
- (X) Return prepaid postcard.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Glen L. Nuttall

Registration No. 46,188

Attorney of Record

Customer No. 20,995

(949) 760-0404



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Yong Hua Zhu, et al.
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Glen Nuttall, Reg. No. 46,188

RESPONSE TO OFFICE COMMUNICATION**Mail Stop Amendment**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Communication mailed by the Office on July 20, 2006 states that Applicants' amendment filed May 1, 2006 was non-compliant. Specifically, since Applicants amended the claims to depend from Claim 21, the Examiner contends that a new election requirement has become necessary. The communication additionally includes a requirement that Applicants elect to proceed with prosecution on the merits in connection with a single species as identified by the Examiner. The Examiner identifies Claim 21 as generic.

In response the Restriction Requirement, Applicants hereby elect to proceed with substantive examination in connection with species (1) as identified by the Examiner: a device for closing an opening in tissue having a first lumen, a second lumen and a wound cover member. The following claims read on this species: Claims 2-4, 6, 8-10, 21, 22, 24, and 34.

Notably, Claim 21 is the only independent claim currently pending in the application. As such, if Claim 21 is allowed, Applicants respectfully request that all of the dependent claims be included as allowed, including claims readable on species not elected by Applicants.

Appl. No. : 10/614,650
Filed : July 7, 2003

Presumably, the present election is fully responsive to the outstanding Office Communication. If there are any outstanding issues to be resolved, the Examiner is respectfully requested to call Applicants' attorney.


Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

8/3/06

By: _____


Glen L. Nuttall
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Attorney of Record
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